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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,971	06/22/2006	Hiroshi Machida	SH-0064PCT/US	8398
21254 7590 06/23/2009 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER				
ARNADE, ELIZABETH				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
06/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,971

Applicant(s)

MACHIDA, HIROSHI

Examiner

ELIZABETH ARNADE

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/08)
Paper No(s)/Mail Date 5/13/2009, 6/22/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. Claims 1-2 are pending as presented on 6/22/2006.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example in claim 1, line 2, the phrase "including that flame hydrolyzing raw materials for glass in oxyhydrogen flame" is a sentence fragment. Additionally it is unclear in claim 1, line 4, as to what is being transformed into clear glass as there is no direct object placed after the verb 'transform' to be acted upon.

Claim 1 recites the limitation "the generated glass fine particles" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the surface temperature" in lines 5, 7, and 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the temperature difference" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said burner flame" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the flame" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the range" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication US2003/0101772, Itoh et al., ('Itoh' hereinafter).

As for claim 1, Itoh teaches a method of manufacturing porous glass base material for optical fiber including that flame-hydrolyzing raw materials for glass in oxyhydrogen flame, depositing the generated glass fine particles on a rotating target to

form porous glass base material dehydrating and sintering said porous glass base material to transform into clear glass, wherein in terms of the surface temperature of said porous glass base material, which changes as the burner used for depositing glass fine particle is moved relatively to said target, the temperature difference between the surface temperature of said porous glass base material touching said burner flame T_a and the surface temperature of the porous glass base material before touching the flame T_b , that is $T_a - T_b$, is adjusted to be within the range from 200 to 700 degrees centigrade (paragraphs [0022], [0027-0029]). Examiner notes that Itoh specifically teaches (paragraph [0028]; Table 1) that the surface temperature of the porous base glass material before deposition is heated to an initial temperature of 600 degrees Celsius (i.e. the limitation of claim 1 wherein it states the surface temperature of the porous glass base material before touching the flame T_b) and then the surface temperature is brought to 1050 degrees Celsius during deposition (i.e. the limitation of claim 1 wherein it states the surface temperature of said porous glass base material touching said burner flame T_a). This difference in temperature between T_a and T_b is thus taught to be 450 degrees Celsius (i.e. the limitation of claim 1 wherein it states $T_a - T_b$ is adjusted to be within the range from 200 to 700 degrees centigrade); therefore, Itoh fully teaches the limitation of claim 1.

As for claim 2, Itoh teaches a glass base material for optical fiber made of the porous glass base material obtained according to claim 1, wherein said porous glass base material is dehydrated, sintered, and transformed into clear glass (paragraph [0029]).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH ARNADE whose telephone number is (571)270-7664. The examiner can normally be reached on M-F, 9-5 p.m., except alternate F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. A./
Examiner, Art Unit 1791

/Jason L Lazorcik/
Examiner, Art Unit 1791